

**LOCAL RULE 7.1(A)(2) CERTIFICATE**

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel certifies that he conferred with Plaintiffs' counsel on December 14, 2005, in a good faith attempt to resolve the issues presented in this motion. It was recognized that Defendants would not assent to a motion for summary judgment.

DATED: December 15, 2005

/s/ David J. Ekelund, Jr.,  
David J. Ekelund, Jr.